HLS 10RS-1585 **ENGROSSED** 

Regular Session, 2010

1

HOUSE BILL NO. 1023

BY REPRESENTATIVE FOIL

ADVERTISING: Provides relative to outdoor advertising

AN ACT 2 To enact R.S. 48:461.1(10), (11), and (12), 461.2(C), and 461.6(C), relative to outdoor 3 advertising; to provide for definitions; to allow certain outdoor advertising to be 4 considered legal and conforming; to permit new display sign technologies under 5 certain circumstances; to provide for certain procedures relative to outdoor 6 advertising subject to expropriation by the state; to provide for related matters. 7 Be it enacted by the Legislature of Louisiana: 8 Section 1. R.S. 48:461.1(10), (11) and (12), 461.2(C), and 461.6(C) are hereby 9 enacted to read as follows: 10 §461.1. Terms defined 11 12 (10) "Conforming out-of-standard signs" means existing signs that fail to 13 meet the current statutory and administrative rule requirements for outdoor 14 advertising relative to spacing but comply with all of the terms of the Federal-State 15 Agreement and meet all other statutory and administrative rule requirements that 16 govern outdoor advertising under provisions of state law. 17 (11) "Federal-State Agreement" means the agreement entered into on 18 January 31, 1972, by and between the United States of America represented by the 19 Secretary of Transportation acting by and through the Federal Highway 20 Administrator and the Louisiana Department of Transportation and Development

CODING: Words in struck through type are deletions from existing law; words underscored are additions.

1	entitled, "Carrying Out National Policy Relative to Control of Outdoor Advertising
2	In Areas Adjacent to the National System of Interstate and Defense Highways and
3	the Federal-Aid Primary System".
4	(12) "Reset" means the movement of a sign structure from one location to
5	another location maintaining the same log mile/mile post location, as authorized by
6	a sign permit amendment and the terms of an executed written partial waiver and
7	reset agreement between the permit owner and the Louisiana Department of
8	Transportation and Development.
9	§461.2. Limitations of outdoor advertising devices
10	* * *
11	C.(1) Notwithstanding any other provision of law to the contrary, in
12	accordance with state law and Louisiana Department of Transportation and
13	Development regulations on outdoor advertising, a conforming out-of-standard sign
14	shall be treated as a conforming sign for the purpose of including new display
15	technologies and lighting, providing the sign has lighting under the existing permit,
16	and the addition of new display technologies and lighting to a conforming out-of-
17	standard sign is permitted. The addition shall not be considered to be a substantial
18	change to the sign.
19	(2) The addition of new display technologies and lighting shall be considered
20	as a change in advertising message.
21	(3) The original material of the poles of the sign shall not be changed if new
22	display technologies and lighting are added to a conforming out-of-standard sign.
23	(4) A conforming out-of-standard sign shall be maintained in compliance
24	with all laws and regulations governing nonconforming signs.
25	§461.6. Compensation for removal of advertising and priorities for removal of
26	advertising
27	* * *
28	C. Notwithstanding any other provisions of law to the contrary, in accordance
29	with state law and Louisiana Department of Transportation and Development

1	regulations on outdoor advertising, the following procedures shall apply to outdoor
2	advertising, subject to expropriation by the state as follows:
3	(1) Owners of conforming out-of-standard signs who voluntarily execute a
4	partial waiver and reset agreement with Louisiana Department of Transportation and
5	Development may reset the outdoor advertising. These reset agreements shall be
6	contingent upon obtaining any required local approval to reset the outdoor
7	advertising, as well as the approval of the landowner of the same or adjoining
8	property.
9	(2) The partial waiver and the reset agreement shall specify the width and
10	height of the sign face, the overall height of the sign, the sign type, the type of
11	construction, the distance to the nearest sign, and the location of the rebuilt sign. In
12	the event the owner of the outdoor advertising fails to execute the agreement within
13	one hundred twenty days of receiving written notice from the Louisiana Department
14	of Transportation and Development that the outdoor advertising will be displaced by
15	construction, the Louisiana Department of Transportation and Development shall
16	initiate normal expropriation procedures, and the owner of the outdoor advertising
17	shall receive compensation for removal of the outdoor advertising.
18	(3) All outdoor advertising shall be subject to the annual permit fees provided
19	for in Louisiana Department of Transportation and Development regulations on
20	outdoor advertising.

## **DIGEST**

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Foil HB No. 1023

**Abstract:** Allows certain outdoor advertising to be considered legal and conforming. Permits new display sign technologies and provides for certain procedures relative to outdoor advertising subject to expropriation by the state.

<u>Present law</u> provides that off-premise advertising shall comply with the federal-state agreement and the state provisions of law and regulations that were in effect at the time the state permit was granted, and with all state provisions of law and regulations that have been enacted subsequent to the erection of the off-premise advertising, which are more stringent than the federal-state agreement.

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

<u>Proposed law</u> defines "conforming out-of-standard signs", "Federal-State Agreement", and "reset". Clarifies that "conforming out-of-standard signs" means existing signs that fail to meet certain requirements.

<u>Proposed law</u> requires that DOTD regulations and other provisions of law on outdoor advertising, treat a conforming out-of-standard sign as a conforming sign including new display technologies and lightning, providing the sign has lighting under the existing permit, and the addition of new display technologies and lighting to a conforming out-of-standard sign is permitted and the addition shall not be considered to be a substantial change to the sign.

<u>Proposed law</u> provides that the addition of new display technologies, and lighting will be considered a change in advertising message.

<u>Proposed law</u> provides that the original material of the poles of the sign may not be changed if new display technologies and lighting is added to a conforming out-of-standard sign.

<u>Proposed law</u> requires that conforming out-of-standard signs be maintained in compliance with all laws and regulations governing nonconforming signs.

<u>Proposed law</u> requires the following procedures to apply to outdoor advertising, subject to expropriation by the state as follows:

- Owners of conforming out-of-standard signs who voluntarily execute a partial waiver and reset agreement with DOTD may reset the outdoor advertising. Provides that reset agreements shall be contingent upon obtaining any required local approval to reset the outdoor advertising, as well as the approval of the landowner of the same or adjoining property.
- (2) The partial waiver and the reset agreement shall specify the width and height of the sign face, the overall height of the sign, the sign type, the type of construction, the distance to the nearest sign, and the location of the rebuilt sign. Provides that in event the owner of the outdoor advertising fails to execute the agreement within 120 days of receiving written notice from DOTD that the outdoor advertising will be displaced by construction, DOTD shall initiate normal expropriation procedures, and the owner of the outdoor advertising shall receive compensation for removal of the outdoor advertising.
- (3) All outdoor advertising shall be subject to the annual permit fees provided for in DOTD regulations on outdoor advertising.

(Adds R.S.48:461.1(10), (11) and (12), 461.2(C), and 461.6(C))

## Summary of Amendments Adopted by House

Committee Amendments Proposed by <u>House Committee on Transportation, Highways and Public Works</u> to the <u>original</u> bill.

- 1. Clarified the definition of "conforming out-of-standard signs".
- 2. Required that conforming out-of-standard signs be maintained in compliance with all laws and regulations governing nonconforming signs.
- 3. Provided that the owner of the outdoor advertising shall receive compensation for removal of the outdoor advertising rather than DOTD.